

Reply round for ET Docket No. 03-137 and WT Docket No. 12-357.

I, Michele Hertz, have personal knowledge of all facts set forth in this declaration and am competent to testify thereto if called upon to testify in a court of law. I hereby declare:

1. After an electric AMR (automatic meter reading) digital utility meter (DUMeter) was installed on my home in June 2009, I became ill.

I suspected that if I had become ill from the unprecedented radiation emissions from DUMeters, it was most likely happening to others as well. I began researching and documenting this health disaster.

2. In March, 2010, because of my health complaints, Con Edison, a New York utility company, agreed to remove the AMR electric DUMeter from my home and replace it with a safer and original analog meter. To do this, Con Edison required me to present them with a doctor's letter, which I thought was disgusting. What right did a utility company have to be involved in my personal medical information?

To date, Con Edison has refused to remove any DUMeters besides mine.

3. In March, 2010, I contacted Central Hudson, another New York utility company and their CEO Steven Lant, to warn them about the dangers of DUMeters because my family resides in Central Hudson territory.

Central Hudson is now refusing to remove any DUMeters.

4. I contacted Con Edison CEO, Kevin Burke to inform him that there were radiation problems with the new Con Edison meters. The CEO's office directed me to the "meter" department at Con Edison.

5. I contacted the Con Edison "meter" department, by phone and asked them to provide me with their safety testing data for DUMeters. They told me that I would need a subpoena for that information.

We have since learned from the industry's own documents that the RF radiation testing for DUMeters used in our area, was done in unrealistic and isolated conditions. No health and safety testing was ever done or required for these DUMeters.

6. I was also directed by Con Edison to an ignorant engineer at the company, who told me that DUMeters do not transmit any radiofrequency (RF) radiation and that DUMeters are safer than the original analog meters. NOT TRUE, electric, water and gas analog utility meters do not have RF radiation emissions.

7. I contacted the Westchester "meter" department at Con Edison and I was told by them that the meters were being required by law by the New York State Public Service Commission. NOT TRUE. They referred me to the New York State Public Service Commission and to the FCC.

8. I and 53 other people contacted the New York State PSC with written testimony opposing the use of DUMeters and asking for help to get DUMeters removed and replaced with analog meters. Some of this testimony included medical reasons and doctors letters asking for the removal of the new meters.

We were informed by the NYS PSC that no DUMeters are being required by law in New York State. However, the NYS PSC mailed some of us outdated and irrelevant FCC documents about RF radiation safety and told us that the meters were safe and they informed us that they would not help us and that we should contact the FCC.

9. I contacted the NYS PSC countless more times and finally learned that the NYS PSC had "deadended" (thrown away) all of our comments because the NYS PSC "had no idea what to do with our comments". This conduct is against the NYS PSC's own regulations.

10. I and many others have contacted the FCC countless times about RF radiation and DUMeters. The FCC has continually stated that non-ionizing radiation has never been proven to be a health

hazard and that therefore there is not a problem. I was also told by the FCC that there are no conclusive studies showing adverse health affects from RF radiation. I wonder how it is possible that I know about the many studies proving adverse health affects from RF radiation but the FCC does not?

I was also told by the FCC that I should contact the NYS PSC about DUMeters because the FCC could not help with this matter.

11. I contacted the New York State Health Department many times and they told me that they only deal with ionizing radiation and that they could not help with the non-ionizing radiation problems with DUMeters. They told me to contact the FCC.

12. Not accepting this information from the ignorant person I spoke to at the NYS Health Department, I contacted the doctor in charge of radiation at the NYS H.D. He was less than helpful and he also refered me to the FCC.

13. I contacted a Con Edison board member who happens to be the President of the Museum of Natural History in New York City, and she put me in touch with the Health and Safety Department at Con Edison.

14. The V.P. for Health and Safety at Con Edison was friendly but completely ignorant about the radiation emissions from AMR DUMeters.

15. Con Edison sent someone to my home to convince me that I had nothing to worry about because they were not using the controversial "smart" meters in our area, but instead were using AMR DUMeters. I was, however, able to show him with his own RF measuring equipment and mine that the AMR DUMeters in our neighborhood are in fact sending pulses of RF radiation thousands to hundreds of thousands of times a day, just like "smart" meters. We were able to determine that these radiation levels are measurable both inside homes and outside homes at great distances away from the meters.

16. After that meeting, I recieved another letter from the Health and Safety division of Con Edison, which tried to re-explain how they had been mistaken about the radiation emissions from their DUMeters. I determined from this letter that Con Edison had no idea what they were talking about.

17. I contacted the FCC again by phone and the man I spoke to listened to my story and said "we don't deal with humans, only frequencies" and he hung up on me.

18. I contacted, by phone, e-mail and mail, several others at the FCC who had no interest in this subject. At the FCC, I got a response from one person who felt sorry about my condition but did not offer any help other than sympathy and the advice that I might want to seek medical help.

19. I continued to contact the "smart meter department" at the New York State PSC countless times, both by e-mail, mail and phone; they were often rude and although they had never required health and safety testing on the meters, they continued to tell me the meters were safe and approved by the FCC. They also told me that DUMeters are not required to be Underwriters Laboratories (UL) approved, although in the village where I live, there is a law that requires all electrical equipment installed in the village to be UL approved.

20. I and others contacted by e-mail and spoke in person to our local village board about the radiation dangers of DUMeters and they referred us to the local village health board.

21. When I contacted the local village health board about this, they referred me to the local village board.

22. The attorney for our village board recommended that we contact the NYS PSC about DUMeters.

23. I contacted the U.S. Department of Health and Human Services by phone and e-mail about DUMeters; they referred me to the Department of Energy.

24. I contacted the Department of Energy by mail, fax, phone and e-mail many times about DUMeters and they, by mail, referred me to the NYS Public Service Commission. The DOE also wrote in a letter to me that they would be referring my letter to the U.S. DOE Office of Delivery and Energy Reliability, who I never heard from.

25. I contacted several divisions of the EPA by phone, e-mail and mail, many times about DUMeters and they all referred me to the FCC.

26. I contacted the Westchester Department of Consumer Protection about DUMeters by mail; they referred me to the NYS Public Service Commission.

27. I contacted the NYS Consumer Protection Bureau who told me that they do not deal with utility companies and that I should contact the governors office.

28. Because I have been working on this for a long time, I had already contacted one NYS governor and also the next NYS governor about the radiation emissions problems with DUMeters. No response.

29. I contacted the FDA by phone and e-mail and they would not take complaints about DUMeters.

30. I and others submitted testimony to the FDA (docket 2010-N-0291) and the FCC (docket ET-10-120) about the radiation problems with DUMeters and none of us ever heard anything from them.

31. I and others filed Radiological Equipment Complaints, with the FDA concerning DUMeters and we never heard back from them.

32. I contacted the Federal Consumer Product Safety Commission by phone, and in the middle of taking my complaint, suddenly the person there said "I'm sorry we can't take complaints about smart meters."

33. I contacted the National Institute of Health by phone and mail but they told me they could not help with the issue of DUMeters unless the NYS Health Department contacted them.

34. Many of us have contacted the New York State Attorney General numerous times by phone, e-mail and mail and although it is the job of the NYS Attorney General to protect the health and safety of all NYS residents, we have been told by them that they will not help us with this urgent matter and they recommended that we contact the FCC.

35. I contacted the Westchester County Health Department. At that time they did not have anyone there who was knowledgeable about RF radiation and they referred me to the NYS Health Department and the FCC.

36. United Water continues to threaten their customers including me, that we must have DUMeters for water. They are telling us that the meters are required by law by the NYS PSC which is NOT TRUE. They sent me the law that they were referring to, which did not contain any requirement for DUMeters. United Water is lying.

37. This is also true of the NYC DEP, who are not only lying about a law that does not exist, but they are also threatening their customers, including senior citizens, with tremendous fees if these people do not agree to have RF radiation emitting water DUMeters.

38. I have submitted testimony to the United States Justice Department about the dangerous levels of pulsing radiation from "smart" and AMR DUMeters.

39. We have spoken to, written to, e-mailed and met with our elected local, state and federal government representatives who have been nothing more than useless and weak about confronting the utilities.

40. AND THE FCC TOLD ME BY E-MAIL TO CONTACT THE EPA?

If this were not such a deadly disaster, it might be funny.

41. People across the United States and around the world are being made sick by the RF radiation emissions from DUMeters and other RF emitting devices. Evidence of this is very easy to find.

Some people are getting sick from DUMeters, some from cell phones, some from cell towers and some don't know where their exposure came from. Some can no longer work and have had to flee their homes. Some, because of the electrical conduction of RF radiation on to their metal and mercury dental work or metal medical implants, are suffering terrible symptoms of radiofrequency sickness. Some are losing their eye sight, some can't stop shaking and most can not sleep. Some are suicidal and some can't find a place of comfort because the radiation is getting worse and worse every day.

Why would we make this up?

42. The public is getting sick but we are waking up and we are wondering; is this disregard for humanity by utility companies, government agencies and elected officials a massive mistake? Is it sheer stupidity? Or is this an extreme example of corruption?

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